

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
American Time & Signal Company)	
Request for Waiver to Permit Licensing of)	WT Docket No. 12-17
Certain Fixed Transmitters as Mobile Units)	
)	

**REPLY COMMENTS OF PCIA—THE WIRELESS INFRASTRUCTURE
ASSOCIATION**

PCIA—The Wireless Infrastructure Association (“PCIA”) submits these reply comments in response to the *Public Notice* seeking comment on American Time & Signal Co.’s (“ATS”) Waiver Request to allow authorization of fixed base stations as mobile units operating with a specific radius centered around a geographic point.¹ PCIA is the national trade association representing the interests of both commercial mobile radio service ("CMRS") and private mobile radio service ("PMRS") users and businesses involved in all facets of the wireless communications industry. In addition, PCIA is an FCC-appointed frequency coordinator for the Industrial/Business Radio Service.

As an FCC-appointed frequency coordinator, PCIA supports efficient frequency coordination and ATS’ Waiver Request seeks to accomplish this goal. ATS seeks a waiver of the definition of a mobile station as set forth in Section 90.7 to the extent necessary to license fixed transmitters as mobile units (station class code MO6). ATS proposes to add a MO6 service area to its license for each customer’s location and to locate the system controller at the center coordinates of its site. The radius of the MO6

¹ *Wireless Telecommunications Bureau Seeks Comment on American Time & Signal Company Request for*

service area would depend on the system controller power level.² The Federal Communications Commission (the “Commission” or “FCC”) should grant ATS’ Waiver Request because there is no valid evidence on the record to deny. In addition, the Commission previously addressed a similar situation, finding in favor of a request similar to ATS’.

I. The Concerns Raised by EWA Provide No Basis for Denying ATS’ Waiver Request

The requested waiver does not affect or noticeably change the shortage of Part 90 spectrum for primary voice transmission systems. Enterprise Wireless Alliance (“EWA”) argues that the limited amount of spectrum allocated for Part 90 users is congested and becoming more so, and the requested waiver would undermine the carefully calibrated coordination and licensing structure that enable so many users to share the Part 90 spectrum.³ However, the conditions ATS is willing to accept on grant of its waiver request fully satisfy the frequency coordination process and the public interest in fostering interference free operations by licensees utilizing the frequencies at issue.⁴ The waiver will not undermine the frequency coordination process.

² Specifically, twelve kilometers for a 5-watt transmitter, fourteen kilometers for a 10-watt transmitter, sixteen kilometers for a 25-watt transmitter, and twenty kilometers for a 40-watt transmitter.

³ Comments of Enterprise Wireless Alliance, WT Docket No. 12-17, at 5-6 (Feb. 22, 2012) (“EWA Comments”).

⁴ *American Time & Signal Company Request for Waiver to Permit Licensing of Certain Fixed Transmitters as Mobile Units*, Federal Communications Commission Universal Licensing System File No. 0005007890, at 22-23 (filed Dec. 28, 2012), available at <http://wireless2.fcc.gov/UlsApp/ApplicationSearch/results.jsp?applSearchKey=applSearchKey2012251751627> (“ATS Waiver Request”) (“ATS is willing to provide the coordinates for the master transmitters at each customer location, and it is willing to accept a condition on grant of its requested waiver that it license each master transmitter as the center point of its MO6 site at its customer’s location. ATS is further willing to accept the condition that it maintain the accuracy of its licensed sites in the Commission’s records”).

ATS' Waiver Request does not seek exemptions from numerous rules, but rather seeks comparable consideration with existing rules.⁵ The frequency range identified in the Waiver Request is typically used by a number of GPS survey operators licensed to operate over wide areas. The noteworthy differences between ATS coordination under the existing rules and its request to allow authorization of fixed base stations as mobile units operating with a specific radius centered on a geographic point are the frequencies involved and the effective radiated power ("ERP") requirement that may occasionally approach 40-watts as needed to penetrate lower floors in buildings. The licensing methodology ATS seeks is modeled after the established and successful Part 90 rules, located at 47 C.F.R. §§ 90.35(c)(11), 90.267(b)(1), 90.267(c)(1) and 90.267(d)(1).

Unlike the current authorization for a recently filed Universal Licensing System ("ULS") application,⁶ the transmitter locations in ATS' request will be specified by a set of coordinates. In general, the transmitters will be located in confined areas. Further, the units are stationary and the transmissions consist of periodic data bursts. The coordination process will be conducted with due diligence and include consideration for all co-channel and adjacent channel incumbents along with the necessary steps to protect centralized trunked systems. Therefore, the exemption makes nominal changes to the use of the spectrum and the coordination process will remain consistent.

⁵ *Contra* EWA Comments at 1-2.

⁶ *Application of Intrinsic Solutions LP*, Federal Communications Commission Universal Licensing System File No. 0005070259 (filed February 10, 2012) *available at* <http://wireless2.fcc.gov/UlsApp/ApplicationSearch/applMain.jsp?applID=6617175>.

II. EWA Identifies No Valid Public Interest Justification For Requiring ATS to License Its Customer Locations As Fixed Stations

Grant of ATS' Waiver Request offers significant public interest benefits. The location of each licensed master transmitter will be reflected in the Commission's database on a current basis, facilitating the frequency coordination process for other applicants and enabling the Commission to readily identify and locate transmitters operating in the event of interference.⁷ The standards set forth in Section 1.925 of the rules for grant of a waiver request are fully satisfied in this case.⁸ ATS in its application notes that the Commission's rules permit the licensing of base stations as mobile units for low-power operations on certain 450-470 MHz band frequencies.⁹ EWA's comments failed to refute the public interest benefits of ATS' application. The comments also fail to justify the requirement that the Commission assume the additional cost and administrative burden associated with its licensing regime, in this case by requiring that ATS license its customer locations as fixed stations. Therefore, PCIA supports ATS' Waiver Request because coordination and licensing structures will be maintained.

ATS manufactures and sells wireless clock systems nationwide to schools, hospitals and other organizations operating in a large building or campus environment that have a need to synchronize numerous clocks spread throughout their premises.¹⁰ EWA's comments suggest a business plan for equipment manufacturing for ATS, in lieu

⁷ ATS Waiver Request at 23.

⁸ ATS Waiver Request at 22-23 ("Section 1.925(b)(3)(ii) of the Commission's Rules, 47 C.F.R. §1.925, provides that waiver may be granted on request, or on the Commission's own motion, in circumstances where application of specific requirements would be unduly burdensome . . . [t]he Commission already determined . . . that licensing each filed site is unduly burdensome . . . [t]he conditions for waiver set forth in Section 1.925 of the rules are fully satisfied . . .").

⁹ See 47 C.F.R. § 90.267(b)(1); see also *Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing Low Power Operations in the Private Land Mobile Radio 450-470 MHz band*, Report and Order, WT Docket 01-146, 18 FCC Rcd 3948 (2003) ("Low Power R&O").

¹⁰ ATS Waiver Request at 22.

of the Waiver Request.¹¹ It is highly inappropriate for a frequency advisory committee to suggest the imposition of a business plan for an equipment manufacturer. The objective of ATS' Waiver Request is to create an efficient and seamless method of providing the transmitter locations for the ULS records. EWA's suggestions could potentially create a burden for the hundreds of current educational and healthcare users of the clock systems ATS manufactures and sells.

III. The Commission Previously Addressed A Similar Situation, Finding in Favor of a Request Similar to ATS'

The Commission previously addressed the appropriateness of a MO Station Class designation for multiple low power data transmitters in circumstances identical to those presented by ATS' operations, and found in favor of a request similar to ATS'.¹² As enumerated by ATS in its Waiver Request, the Commission rejected the argument that mobile-only data systems be prohibited in the 450-470 MHz low power band, finding that "because such entities operate numerous fixed sites throughout their service area, providing coordinates for every fixed site would be an administrative burden and could compromise the safety of protected premises."¹³ The Commission further concluded that "entities that operate data systems should be able to license multiple fixed sites as mobile."¹⁴ In addition, the Commission found that "... other licensees with infrastructure similar ... would be similarly burdened and should likewise be exempt from providing

¹¹ EWA Comments at 4.

¹² See Low Power R&O ¶¶17, 39. See also ATS Request at 22-23.

¹³ Low Power R&O at ¶17.

¹⁴ Low Power R&O at ¶39.

coordinates for every fixed site. . .” and sought to “continue to allow low power licensees to license multiple fixed sites as mobile units.”¹⁵

ATS’ wireless clock systems fit the same technical and operational profile as the fixed low-power data systems that the Commission allows to be licensed as mobile units, and that the reason for the low-power rule – that requiring coordinates for each fixed site in such a system is unduly burdensome – applies to ATS’ wireless clock systems.¹⁶

Therefore, contrary to EWA’s concerns, the FCC recognized that allowing a waiver in this situation is logical, efficient and in the public interest.

CONCLUSION

For the foregoing reasons, the Commission should grant ATS’ request seeking a waiver of the definition of a mobile station as set forth in Section 90.7 to the extent necessary to license fixed transmitters as mobile units (station class code MO6).

Respectfully submitted,

PCIA—THE WIRELESS INFRASTRUCTURE ASSOCIATION

By: /s/ Michael T. N. Fitch

Michael T. N. Fitch
President and CEO

Don Andrew
Director, Frequency Coordination Services

Kara Leibin Azocar
Government Affairs Counsel

PCIA—THE WIRELESS INFRASTRUCTURE
ASSOCIATION

901 N. Washington Street, Suite 600
Alexandria, VA 22314
(703) 739-0300

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¹⁵ Low Power R&O at ¶17.

¹⁶ ATS Waiver Request at 23.